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Mail Stop Patent Application  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Express Mail No.: EV 170393633 US

Attorney Docket No.: 2002834-0232

Date Filed: December 4, 2003

## CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number EV 170393633 US

Date of Deposit: December 4, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service as "*Express Mail Post Office to Address*" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

*Kathy Hart Gagnon*

Signature

Kathy Hart Gagnon

Typed Name

## UTILITY PATENT APPLICATION TRANSMITTAL

(for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Dear Sir:

Please find enclosed a patent application and papers as follows for:

Inventor(s):

Given Name (first and middle)	Family Name or Surname	Residence
Michael J.	Caplan	1217 Racebrook Road Woodbridge, CT 06525
Kim H.	Bottomly	177 Livingston Street New Haven, CT 06511
Howard B.	Sosin	640 Sasco Hill Road Fairfield, CT 06824
A. Wesley	Burks	306 Faison Road Chapel Hill, NC 27517
Hugh A.	Sampson	19 Carleon Avenue Larchmont, NY 10538

Title of the Invention: **MICROBIAL DELIVERY SYSTEM**

A) APPLICATION ELEMENTS:

- 1) ☐ **Fee Transmittal Form** (original and duplicate submitted for fee processing)
- 2) ☒ **Applicant Claims Small Entity Status** (see 37 C.F.R. § 1.27)
  - a) ☐ Statement Verifying Small Entity Status
- 3) ☒ **Specification** TOTAL PAGES: 54
  - Priority Information
  - Related Applications
  - Background of the Invention
  - Summary of the Invention
  - Brief Description of Figures
  - Definitions
  - Description of Certain Preferred Embodiments
  - Other Embodiments
  - Examples
  - Claims (4 pages)
  - Abstract (1 page)
  - Appendix A (14 pages)
- 4) ☒ **Drawing(s)** (35 U.S.C. § 113)
  - a) ☒ Informal Drawings TOTAL SHEETS: 4
  - b) ☒ Formal Drawings TOTAL SHEETS: 4
- 5) ☐ **Oath or Declaration**
  - a) ☐ Newly Executed (original or copy)
  - b) ☐ Copy from a prior application (see 37 C.F.R. § 1.63(d)) - for continuation/divisional application
  - c) ☐ Unexecuted
- 6) ☐ **Application Data Sheet** (see 37 C.F.R. § 1.76)
- 7) ☐ **CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)**

8) X **Nucleotide and/or Amino Acid Sequence Submission**

- a) X Computer Readable Form (CRF).
- b) X Specification Sequence Listing on:
  - i) \_\_\_ CD-ROM or CR-R; or
  - ii) X Paper (3 pages).
- c) X Statement under 37 C.F.R. § 1.821(f) (2 pages).
- d) X Amendment introducing Sequence Listing (see Preliminary Amendment).

B) ACCOMPANYING APPLICATION PARTS:

- 9) \_\_\_ **Assignment Papers**
- 10) \_\_\_ **37 C.F.R. § 3.73(b) Statement**
- 11) \_\_\_ **Power of Attorney**
- 12) \_\_\_ **English Translation Document** (if applicable)
- 13) X **Information Disclosure Statement (IDS)/PTO-1449** (26 pages)
- 14) X **Statement Filed Pursuant to the Duty of Disclosure Under 37 C.F.R. §§ 1.56, 1.97 and 1.98** (5 pages)
- 15) \_\_\_ **Copies of IDS Citations**
- 16) X **Return Receipt Postcard (MPEP § 503)** (specifically itemized)
- 16) \_\_\_ **Certified Copy of Priority Document(s)** (if foreign priority is claimed)
- 17) X **OTHER:** (if applicable, specified below)
  - (a) **Preliminary Amendment** (5 pages)
  - (b) **Statement of Limited Recognition under 37 C.F.R. § 10.9(b)** (1 page)

C) FOR CONTINUING APPLICATIONS: (the appropriate box is checked, and certain information is provided below and in a preliminary amendment)

☐ CONTINUATION ☒ X DIVISIONAL ☐ CONTINUATION-IN-PART (CIP)

OF PRIOR APPLICATION NO: 09/731,375  
FILED: December 6, 2000  
EXAMINER: HUYNH  
GROUP/ART UNIT: 1644

**FOR CONTINUATION OR DIVISIONAL APPLICATIONS ONLY:** THE ENTIRE DISCLOSURE OF THE PRIOR APPLICATION, FROM WHICH AN OATH OR DECLARATION IS SUPPLIED AS DETAILED ABOVE, IS CONSIDERED A PART OF THE DISCLOSURE OF THE ACCOMPANYING CONTINUATION OR DIVISIONAL APPLICATION AND IS HEREBY INCORPORATED BY REFERENCE.

D) PRIORITY CLAIM(S):

This application claims the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below:

Application Number	Filing Date	Status
<b>09/731,375</b>	<b>December 6, 2000</b>	<b>Pending</b>

PCT Applications designating the United States:

Application Number	Filing Date	Status

This application claims the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Provisional Application(s):

Application Number	Filing Date	Status
<b>60/195,035</b>	<b>April 6, 2000</b>	<b>Expired</b>

E) METHOD OF PAYMENT OF FILING FEES FOR THIS APPLICATION:

- X Applicant claims small entity status 37 C.F.R. § 1.27.
- X A check is enclosed to cover the filing fee.
- X The Commissioner is hereby authorized to charge any additional filing fees or credit any overpayment to Deposit Account Number 03-1721.

Basic Filing Fee (Small Entity)	\$385.00
Additional Fees:	
Total Number of Claims in excess of 20: ( <u>11</u> - 20) = 0 x \$9	\$0.00
Number of Independent Claims in excess of 3: ( <u>1</u> - 3) = 0 x \$43	\$0.00
Multiple Dependent Claims - <b>NONE</b> (\$280):	<u>\$0.00</u>
Total Filing Fee:	<u><b>\$385.00</b></u>

F) CORRESPONDENCE ADDRESS:

- X Correspondence Address:

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G) GOVERNMENT SUPPORT

The invention was made, in part, by an agency of the United States Government or under a contract with an agency of the United States Government:

- X No.
- \_\_\_\_ Yes.

The name of the U.S. Government agency and the Government contract number are:

\_\_\_\_\_

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'C. Lyon', written over a horizontal line.

Charles Lyon, D.Phil.

Agent for Applicant

Limited Recognition Under 37 C.F.R. §10.9(b)

Date: December 4, 2003

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